

SENATE BILL 3642

By Ketron

AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 2; Section 62-37-103; Title 62, Chapter 6 and Section 67-4-1702, relative to the "Interior Designers Title Registration Act."

WHEREAS, the purpose of this legislation is to safeguard life, health, and property to promote the public welfare by assuring the right to practice interior design in certain large, commercial spaces heretofore prohibited to interior designers to those persons having specific design education, experience and examination as defined in this part; and

WHEREAS, it is a matter of public interest, safety, and protection that persons practicing interior design in large, commercial spaces merit the confidence of the public; and

WHEREAS, the purpose of this legislation is to provide a choice by which consumers may choose design professionals to design non-structural interiors of certain large, commercial spaces; and

WHEREAS, the purpose of this legislation is not meant in any way to impair, restrict or prevent the sale of merchandise related to the interior design profession; now, therefore

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 62-2-901, is amended by deleting the language "Interior Designers Title Registration Act" and by substituting instead the language "Registered Interior Designers Act".

SECTION 2. Tennessee Code Annotated, Section 62-2-902, is amended by deleting the section in its entirety and by substituting instead the following:

Section 62-2-902

(a)

(1) As provided in § 62-2-101, no person shall use the title “registered interior designer” unless such person is registered as provided in this part. This part shall not limit, restrict or prevent anyone from using the title “interior designer” or the phrase “interior design”.

(2) Nothing in this chapter, including but not limited to § 62-2-102(b), shall be construed to prohibit a registered interior designer from preparing non-structural interior design plans and specifications for interior spaces of a building or structure of any size, height and occupancy, including assembly, institutional or educational occupancies, for the purpose of obtaining approval for a building permit as provided by law from the appropriate city, city and county, or regional building authority, which may approve or reject any such filing in the same manner as for other professions. Such interior design plans and specifications specifically exclude the design of or the responsibility for the construction of structural, mechanical, plumbing, heating, air conditioning, ventilating, electrical, or vertical transportation systems, fire-rated vertical shafts, fire-rated protection of structural components, smoke evacuation and compartmentalization, and the preparation of a life safety plan.

(b) Nothing in this part shall be construed to prohibit persons from preparing interior design plans and specifications for buildings and structures as permitted by the provisions of § 62-2-102(b), including, but not limited to:

(A) Structures classified as business, factory-industrial, hazardous, mercantile, residential and storage occupancies, as those occupancies are defined in the 1985 edition of the Standard Building Code, that are less than

three (3) stories in height and less than five thousand square feet (5,000 sq. ft.) in total gross area;

(B) One-family and two-family dwellings and domestic outbuildings appurtenant to those dwellings;

(C) Farm buildings not designed or intended for human occupancy;

(D) The provisions of title 62, chapter 6 pertaining to contractors; or

(E) Other provisions of law.

(c) Nothing in this part shall be construed to prevent or restrict the practice, services, or activities of any person licensed in this state from engaging in the profession or occupation for which such person is licensed including, but not limited to, persons licensed as contractors and residential contractors pursuant to chapter 6 of this title, and such persons' employees or subcontractors.

(d) Nothing in this part shall be construed to impair, restrict, or in any other way prevent the sale of all merchandise or building materials to the interior design profession, to any person, business or government entity.

(e) The following persons shall not be considered to be engaging in the practice of interior design and shall not be considered to be in violation of this part, provided such persons do not use the title "registered interior designer":

(1) Architects, engineers, or landscape architects registered under applicable state laws;

(2) Persons who provide or employees of any establishment that provides consultation regarding interior decorative services such as assistance in selection of surface materials, window treatments, wall coverings, paint, floor coverings, surface-mounted fixtures, lighting fixtures, cabinetry, or loose furniture and furnishings where the use, application, or installation of such materials,

treatments, coverings, fixtures, or furnishings is not subject to regulation under applicable building or life-safety codes; or persons who coordinate the installation of such personal property or fixtures as part of a sale or in the furtherance of a sale or prospective sale of goods or services to the public or trade including, but not limited to, any documents, including drawings and material lists created for pricing or for the purposes of communicating interior space requirements to a registered design professional; or

(3) Persons providing kitchen and bath design services, including those certified by the National Kitchen and Bath Association (NKBA) as a certified kitchen designer or certified bath designer, or both, whose activities involve the planning and execution of the design of kitchens or baths. Nothing in this chapter shall be construed to prohibit or restrict the use of the terms “certified kitchen designer” or “certified bathroom designer”.

SECTION 3. Tennessee Code Annotated, Section 62-2-903, is amended by deleting the section in its entirety and by substituting instead the following:

Section 62-2-903

As used in this part, unless the context otherwise requires:

(1) "Life safety plan" means a drawing that summarizes pertinent life-safety information for a project and may be required for review by the state fire marshal or state or local government building officials who enforce building codes. The information and form of the life safety plan shall be determined by the state fire marshal or state or local government building officials who enforce building codes;

(2) "Non-structural" means interior building components which are not load-bearing and do not require design computations for a building's structural frame, including those related to seismic forces. Common non-structural components include,

but are not limited to, ceiling and partition systems. These components employ normal and typical bracing conventions and are not part of the structural integrity of the building;

(3) "Partition" means a wall which does not support a vertical load of a building's structural frame, but may support loads attached to it such as cabinetry, shelving or grab bars, and does not extend further than from the floor of an interior area of a building designed for human habitation or occupancy to the underside of the structural deck above;

(4) "Registered design professional" is a person registered under the provisions of this part; and

(5) "Registered interior designer" means a person who is registered under this part and, as such, is a registered design professional.

SECTION 4. Tennessee Code Annotated, Section 62-2-904, is amended by deleting this section in its entirety and by substituting instead the following:

(a)

(1) Each applicant for registration shall apply to the board.

(2) Except as otherwise provided in this part, each applicant shall provide proof that is satisfactory to the board that the applicant has successfully completed the following educational, experience, and examination requirements:

(A) A combination of six (6) years education and experience for graduates holding degrees from interior design programs that are accredited by the Council for Interior Design Accreditation (CIDA) or accredited by CIDA within two (2) years of an applicant's completion of the program, and proof of passage of the examination administered by the National Council for Interior Design Qualification (NCIDQ), or an equivalent examination as specified by the board;

(B) A combination of seven (7) years education and experience for graduates holding degrees from interior design programs that are not CIDA accredited and provide no less than sixty (60) semester credit hours or ninety (90) quarter credit hours in interior design related courses, and proof of passage of the examination administered by the National Council for Interior Design Qualification (NCIDQ) or an equivalent examination as specified by the board;

(C) A substantially equivalent program of interior design approved by the board shall meet the education requirements of subdivisions (a)(2)(A) and (B);

(D) A combination of seven (7) years education and experience for graduates holding degrees from an interior design program offered by an approved institution in this state on April 16, 1991, or accredited by the Southern Association of Colleges and Schools, with proof of passage of the examination administered by the National Council for Interior Design Qualification (NCIDQ), or an equivalent examination as specified by the board;

(E) A combination of seven (7) years education and experience for graduates holding degrees from a program of architecture accredited by the National Architectural Accrediting Board (NAAB), which provides no less than forty (40) semester credit hours or sixty (60) quarter credit hours in interior design related courses; and proof of passage of the examination administered by the National Council for Interior Design Qualification (NCIDQ), or an equivalent examination as specified by the board; or

(F) Completion of the Interior Design Experience Program (IDEP) as administered by the National Council for Interior Design Qualification (NCIDQ) or completion of the Intern Development Program as administered by the National Council of Architectural Registration Boards (NCARB), or substantially equivalent experience approved by the board, shall be required for persons applying under this subsection (a). This subdivision (a)(2)(F) shall apply beginning January 1, 2015.

(b) Diversified and appropriate experience in interior design may be earned by an applicant by regularly engaging in teaching within an interior design program recognized by the board as an institution of higher learning. Such applicant must hold both a graduate and undergraduate degree with at least one (1) degree in interior design or related field as approved by the board.

(c) If the applicant's NCIDQ certificate as referenced in subsection (a) was obtained prior to January 1, 2004, and the applicant has less than twenty (20) years experience, then the applicant shall furnish proof of passage of the National Council for Interior Design Qualification (NCIDQ), six (6) hour continuing education (CE) monograph and accompanying test, Structures in Interior Design, or other continuing education requirements as specified by the board regarding recognition and identification of structural and other building system components in interior design projects and the role of specialized design professionals and coordination with such professionals. Such continuing education requirements shall count as six (6) of the twelve (12) professional development hours required for the registrant's biennial renewal for the first time after initial registration. This subsection (c) does not apply if the applicant is a registered architect or engineer in the state, if such applicant has or earned a degree from a National Architectural Accreditation Board (NAAB)-accredited program in architecture.

This subsection (c) shall expire December 31, 2013.

SECTION 5. Tennessee Code Annotated, Section 62-2-905, is amended by deleting the section in its entirety and by substituting instead the following:

Section 62-2-905

(a)

(1) Alternative requirements for registration shall be fulfilled prior to January 1, 2013 and shall include the following:

(A) An application submitted to the board which includes satisfactory verification that the applicant is a National Council for Interior Design Qualification (NCIDQ) Certificate Holder; or

(B) An application submitted to the board which includes satisfactory evidence of an applicant having used or been identified by the title "interior designer", and satisfactory interior design experience totaling ten (10) years or a combination of interior design education and satisfactory interior design experience totaling ten (10) years; and

(C) An application to the board which includes satisfactory evidence of an applicant having used or been identified by the title "interior designer", and satisfactory interior design experience totaling seven (7) years or a combination of interior design education and satisfactory interior design experience totaling seven (7) years. Upon the acceptance of such application, the board shall approve the applicant to take the National Council for Interior Design Qualification (NCIDQ), examination, or an equivalent examination as specified by the board, for the sole purpose of determining the applicant's qualifications. The applicant shall provide proof of passage of all required sections of such



examination.

(2) Any person registered as an interior designer prior to July 1, 2011, under the former provisions of this part shall be considered a registered interior designer under this part with all the rights and privileges thereof.

(b) Diversified and appropriate experience in interior design may be earned by an applicant by regularly engaging in teaching within an interior design program recognized by the board as an institution of higher learning. Such applicant must hold both a graduate and undergraduate degree with at least one (1) degree in interior design or a related field as approved by the board.

(c) If the applicant is applying for registration under subsection (a), and has less than twenty (20) years of experience, then the applicant shall furnish proof of passage of the National Council for Interior Design Qualification (NCIDQ), six (6) hour continuing education monograph and accompanying test, Structures in Interior Design, or other continuing education requirements as specified by the board regarding recognition and identification of structural and other building system components in interior design projects and the role of specialized design professionals and coordination with such professionals. Such continuing education shall count as six (6) professional development hours of the twelve (12) professional development hours required for the registrant's biennial renewal for the first time after initial registration. This subsection (c) shall not apply if the applicant is a registered architect, engineer in the state, or has earned a degree from a National Architectural Accreditation Board (NAAB)-accredited program in architecture. This subsection (c) shall expire December 31, 2013.

SECTION 6. Tennessee Code Annotated, Title 62, Chapter 2, Part 9, is amended by adding the following as a new section:

Section 62-2-907

(a) The issuance of a certificate of registration by this board shall be evidence that the person named in the certificate is entitled to all the rights and privileges of a registered interior designer and to engage in providing interior design services while the certificate remains unrevoked or unexpired.

(b) Each registered interior designer shall obtain and keep a seal, of the design authorized by the board, bearing the registrant's name, the registrant's registration number, the words "Registered Interior Designer" and the words "State of Tennessee" or "Tennessee". The registrant shall stamp with the registrant's seal all original sheets of any bound set of plans and the first sheet of any specifications or reports, or portions thereof, prepared by the registrant or under the registrant's responsible charge. No registered interior designer shall affix the registered interior designer's seal or stamp to any document that has not been prepared by the interior design registrant or under the interior design registrant's responsible charge. Plans, specifications and reports issued by the registrant shall be stamped with the seal during the life of a registrant's certificate; however, it is unlawful for anyone to stamp or seal any document with the seal after the certificate of the registrant named thereon has expired or has been revoked.

(c) The board may adopt such rules and regulations for the affixing to and endorsement of the registrant's seal on interior design documents as may be necessary to implement compliance with this section.

SECTION 7. Tennessee Code Annotated, Section 62-2-101, is amended by deleting the section in its entirety and by substituting instead the following:

Section 62-2-101. In order to safeguard, life, health and property, and to promote public welfare, by requiring that only properly qualified persons shall practice architecture, engineering, interior design and landscape architecture in this state, any person practicing architecture, engineering, interior design as defined in this chapter or

landscape architecture shall be registered as provided in this chapter, and it is unlawful for any person to practice or offer to practice architecture, engineering, interior design as defined in this chapter or landscape architecture unless such person has been duly registered under this chapter.

SECTION 8. Tennessee Code Annotated, Section 62-2-602, is amended by deleting the section in its entirety and substituting instead the following:

Section 62-6-602. Corporations, partnerships, and firms maintaining any place of business in this state for the purpose of providing or offering to provide architectural, engineering, interior design as defined in this chapter, or landscape architectural design to the public shall have, in responsible charge of such service at any and each place of business, a resident registered architect, a registered engineer, a registered interior designer, or a registered landscape architect.

SECTION 9. Tennessee Code Annotated, Title 62, Chapter 2, is amended by deleting the language and punctuation "practice architecture, engineering, and landscape architecture, or use the title 'registered interior designer or'" wherever it appears and by substituting instead the language "practice architecture, engineering, interior design as defined in this chapter, and landscape architecture".

SECTION 10. Tennessee Code Annotated, Section 62-2-103, is amended by deleting the section in its entirety and by substituting instead the following:

Section 62-2-103.

The following shall be exempted from this chapter; provided, that, except as provided in subdivision (4), nothing in this section shall be construed as exempting any person who makes public use of the title engineer, architect or landscape architect or any appellation of those titles, including persons employed by this state or its political subdivisions:

(1) Any person engaging in architectural, engineering, interior design as defined in this chapter or landscape architectural work as an employee of a registered architect, registered engineer or registered landscape architect; provided, that such work may not include responsible charge of design or supervision;

(2) Architect, engineers, registered interior designers or landscape architects who are not residents of and have no established place of business in this state, who are acting as consulting associates of an architect, engineer, registered interior designer or landscape architect registered under this chapter; provided, that the nonresident is qualified for such professional service in the nonresident's own state or country;

(3) Architects, engineers, registered interior designers or landscape architects who are employed by a person, firm or corporation not engaged in the practice of architecture, engineering, interior design as defined in this chapter or landscape architecture and who render architectural, engineering, interior design as defined in this chapter or landscape architectural services to their employer only and not to the general public; and

(4) Architects, engineers, registered interior designers or landscape architects who are employed by a municipal electric system or electric and community service cooperative as defined in § 65-34-102, or telephone cooperatives as defined in title 65, chapter 29, and who render architectural, engineering, interior design as defined in this chapter or landscape architectural services pertaining to the operations of their employer and who do not offer their services to the general public in exchange for compensation other than that received from their employer. Nothing in this subdivision (4) shall be construed as exempting any person who makes public use of the title "engineer", "architect", "registered interior designer" or "landscape architect", or any appellation thereof.

SECTION 11. Tennessee Code Annotated, Section 62-2-104, is amended by deleting the section in its entirety and by substituting instead the following:

Section 62-2-104

(a) Nothing in this chapter shall prevent the drafters, students, clerks of the work superintendents and other employees of lawfully practicing architects, engineers and landscape architects under this chapter from acting under the instruction, control or supervision of the employer or to prevent the employment of superintendents on the construction, enlargement or alterations of buildings or any appurtenance to buildings, or prevent such superintendents from acting under the immediate personal supervision of registered architects, registered engineers, registered interior designers or registered landscape architects by whom the plans and specifications of the building enlargements, constructions or alterations were prepared.

(b) Nothing in this chapter shall prevent persons, mechanics or builders from making plans, specifications for or supervising the erection, enlargement or alterations of buildings or any appurtenance to buildings, to be constructed by themselves or their employees exclusively for their own use and occupancy, unless the same involves the public health or safety; provided, that the working drawings for such constructions are signed by the authors of the drawings and their true appellations as "contractor," "carpenter," etc., without the use in any form of the title "architect," "engineer", "registered interior designers" or "landscape architect."

SECTION 12. Tennessee Code Annotated , Section 62-2-105, is amended by deleting the section in its entirety and by substituting instead the following:.

Section 62-2-105.

(a)

(1) No person shall:

(A) Present or attempt to file as the person's own the certificate of registration of another;

(B) Give forged or willfully false evidence of any kind to the state board of examiners for architects and engineers or any member of the board for the purpose of obtaining a certificate;

(C) Falsely impersonate any other practitioner; or

(D) Use or attempt to use an expired or revoked certificate of registration.

(2) A violation of subdivision (a)(1) is a Class B misdemeanor.

(b)

(1) No person shall practice or offer to practice engineering, architecture, interior design as defined in this chapter or landscape architecture in this state in violation of this chapter.

(2) A violation of subdivision (b)(1) is a Class B misdemeanor.

(3) Each day's violation of subdivision (b)(1) is a separate offense.

(c) A person is construed to practice or offer to practice engineering, architecture, interior design or landscape architecture who, by verbal claim, sign, advertisement, letterhead, card, or in any other way, represents such person to be an architect, engineer, registered interior designer or landscape architect, with or without qualifying adjective, or through the use of some other title implies that the person is an architect, engineer, registered interior designer or landscape architect.

SECTION 13. Tennessee Code Annotated, Section 62-2-107(a), is amended by deleting the subsection in its entirety and by substituting instead the following:

(a) Neither the state nor any county, city, town or village or other political subdivision of the state shall engage in the construction or maintenance of any public work involving architecture, engineering or landscape architecture for which the plans, specifications and estimates have not been made by a registered architect, registered engineer, registered interior designer or registered landscape architect.

SECTION 14. Tennessee Code Annotated, Section 62-2-201(a), is amended by adding the following language at the end of subdivision (2):

After the term of the registered interior designer member serving on the effective date of this act expires, such member's replacement shall be an interior designer registered under the provisions of this act. Until such registered interior designer board member is appointed, the registered interior designer board member shall remain a member of the board and references in this chapter to interior designer board member shall be deemed to refer to the registered interior designer board member. In the event the present registered interior designer board member becomes registered as a registered interior designer under this act, such member shall continue to serve until the end of such member's term and exercise all powers thereof.

SECTION 15. Tennessee Code Annotated, Section 62-2-202(a), is amended by deleting the last sentence in its entirety and by substituting instead the following:

The ten-year requirement of experience as a registered practitioner shall not apply to the registered interior designer board member until July 1, 2020.

SECTION 16. Tennessee Code Annotated, Section 62-2-302(a)(4), is amended by adding the following language to the end thereto:

Until the appointment of a registered interior designer board member, the registered interior designer board member serving on the effective date of this act shall continue to determine such qualifications along with the other designated board members.

SECTION 17. Tennessee Code Annotated, Section 62-2-302(b), is amended by adding the following language at the end of subsection (3):

Until the appointment of a registered interior designer board member, the present registered interior designer board member shall examine the applicants.

SECTION 18. Tennessee Code Annotated, Section 62-6-501(4), is amended by deleting subdivision (B)(vii) in its entirety and by substituting instead the following:

(vii) Any work that is within the scope of practice of interior design or is performed by a person qualified to use the title “registered interior designer,” both as defined in chapter 2 of this title;

SECTION 19. Tennessee Code Annotated, Section 67-4-1702(a)(3), is amended by adding the following as a new subdivision:

(F) Registered interior designers;

SECTION 20. The board shall promulgate rules and regulations to effectuate the provisions of this act. All such rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 21. If any provisions of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 22. For the purpose of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2011, the public welfare requiring it.